IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2006

CORAM

THE HONOURABLE MR. JUSTICE P. JYOHTIMANI

W.P.No.25363/2006 & M.P.No.1/2006

G.S.Rajendran .. Petitioner

Vs

1.The Director of Elementary Education,
Tamilnadu, D.P.I.Campus,
College Road, Chennai 600 006.

2.The District Elementary Educational Officer,
Pudukkottai District,
New Town Hall, Pudukkottai Town.

3.The Addl.Asst.Elementary Educational Officer,
Aranthangi, Pudukkottai District. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents herein to promote and appoint the petitioner herein as Tamil Pandit in the existing vacancy at L.N.Puram Municipal Middle School at Aranthangi, Pudukkottai District, strictly in accordance with G.O.Ms.No.227, School Education Department dated 28.8.2000.

For Petitioner : Mr.G.Thangavel
For Respondents: Mr.P.Gopi Raja, GA

ORDER

The writ petitioner was appointed as Secondary Grade Teacher and has completed nine years of service and is eligible for further promotion as Tamil Pandit as per the amended G.O.Ms.No.227 School Education Department dated 28.8.2000. The method of avenue of promotion has been mentioned in the said G.O. which states as follows:

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"1. By promotion from any category from Secondary Grade Assistants;

2.By way of transfer from any class and category in the service in an identical pay scale; and

3.If no qualified and suitable candidates are available for appointment by method 1 and 2 stated above, recruitment by transfer from any other service."

2. According to the petitioner, when the panel was formed as on 1.1.04, he was eligible for the said promotion. It was made clear that the petitioner was the only person who was eligible as per the said G.O. for the purpose of promotion to Tamil Pandit. However, instead of promoting the petitioner, one M.Gopalakannan was promoted against which the petitioner has approached this Court and this Court by order dated 13.7.2004, in W.P.M.P.No.23626/2004 in W.P.No.19660/2004, has granted an order of interim stay in respect of the appointment of the said M.Gopalakannan. After the said order of stay, M.Gopalakannan was transferred to some other place keeping that place vacant for which the petitioner was originally sought to be a qualified person.

3. In view of the same, the petitioner has made a representation to the 1st respondent on 22.7.2006 followed by a reminder on 26.7.2006. Even though the prayer in the writ petition is for a direction against the first respondent to appoint the petitioner as a Tamil Pandit, the learned counsel for the petitioner would fairly submit that the petitioner will be satisfied if a direction is given to the 1st respondent to include the name of the petitioner in the light of the amended G.O. within a stipulated time. For such a course of action, the learned Government Advocate, taking notice on behalf of the respondents, has no objection.

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4.The writ petition is disposed of with the following direction:

"The first respondent is directed to consider the petitioner's representation dated 22.7.2006 followed by a reminder dated 26.7.2006 and pass orders in respect of the appointment of the petitioner as Tamil Pandit, taking into consideration the

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provisions of the amended G.O.Ms.No.227 School Education Department dated 28.8.2000 as also the panel published as on 1.1.04 indicating the petitioner as the only qualified person for the promotion to the said post of Tamil Pandit and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order."

No costs. Consequently, connected M.P. is closed.

ap

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Director of Elementary Education,
Tamilnadu, D.P.I.Campus,College Road, Chennai 600 006.

2.The District Elementary Educational Officer,
Pudukkottai District,New Town Hall, Pudukkottai Town.

3.The Addl.Asst.Elementary Educational Officer,
Aranthangi, Pudukkottai District.

+ one cc to the Government Pleader sr no. 36250
+ one cc to Mr. G. Thangavel, Advocate sr no. 35983

NG(CO)
NM(22.08.2006)

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